

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>2:05-cr-00251</b>
	)	
<b>v.</b>	)	
	)	
<b>KIMBERLY N. HUNT,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM ORDER**

Pending before the Court is Defendant's MOTION FOR REDUCTION OF SENTENCE BASED ON 2007 GUIDELINE AMENDMENT NINE (Document No. 27), which was filed by Kimberly N. Hunt pro se. In essence, Defendant requests a reduction in her sentence as a result of the amendments to the United States Sentencing Guidelines for offenses involving cocaine base, in the form commonly known as crack cocaine.

At Criminal Information No. 05-251, Ms. Hunt was charged with an offense involving ***powder*** cocaine, not crack cocaine. Accordingly, the 2007 amendments to the sentencing guidelines do not apply to her conviction or sentence. Moreover, after Ms. Hunt waived indictment and pled guilty, she was originally sentenced on February 28, 2006 to the statutory mandatory minimum term of imprisonment of 120 months.<sup>1</sup> The guideline amendments, even if applicable, would not permit the Court to impose a sentence below the statutory minimum.

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<sup>1</sup>The sentence was subsequently reduced on March 16, 2007 to 54 months for reasons not relevant to the pending motion.

USSG § 5G1.1.

Accordingly, Defendant's MOTION FOR REDUCTION OF SENTENCE BASED ON 2007 GUIDELINE AMENDMENT NINE (Document No. 27) is **DENIED**.

SO ORDERED this 15<sup>th</sup> day of April, 2008.

BY THE COURT:

s/ Terrence F. McVerry  
United States District Court Judge

cc: Tina O. Miller, AUSA  
Email: tina.miller@usdoj.gov

Jay K. Reisinger, Esquire  
Email: JREISINGER@REICHALEXANDER.COM  
Thomas J. Farrell, Esquire  
Email: [TFARRELL@REICHALEXANDER.COM](mailto:TFARRELL@REICHALEXANDER.COM)  
Samuel J. Reich, Esquire  
Email: [sreich@reichalexander.com](mailto:sreich@reichalexander.com)

Kimberly N. Hunt  
FPC Alderson, Box A  
Alderson, WV 24910  
(By US Mail)